

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

TYRAN PATTON

§

v.

§

CIVIL ACTION NO. 5:23-CV-127-JRG-JBB

WARDEN, FCI-TEXARKANA

§

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

The Petitioner Tyran Patton, an inmate at the Federal Correctional Institution at Texarkana proceeding *pro se*, filed this petition for the writ of habeas corpus under 28 U.S.C. § 2241 complaining of the legality of his continued confinement. Docket No. 1. The case was referred to United States Magistrate Judge J. Boone Baxter in accordance with 28 U.S.C. § 636.

On January 31, 2025, the Magistrate Judge issued a Report and Recommendation, recommending Respondent's motion to dismiss or for summary judgment (Docket No. 22) be denied without prejudice, pending supplementation to address the questions of (1) Petitioner's approval for release on home confinement and subsequent apparent rescission of this approval, and (2) whether such action had racial motivation. Docket No. 24 at 5. To date, no objections have been received.

Because no objections have been received, the parties are barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 24) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that Respondent's motion to dismiss or for summary judgment (Docket No. 22) is denied without prejudice, pending supplementation to address the questions of (1) Petitioner's approval for release on home confinement and subsequent apparent rescission of this approval, and (2) whether such action had racial motivation. Respondent shall file its supplemental motion within thirty (30) days from the date of this Order. It is further

**ORDERED** that Petitioner may submit a response within thirty (30) days of receipt of the supplemental motion, addressing any new arguments and information raised in the supplemental that is not already contained in the original motion for summary judgment.

**So Ordered this**

**Mar 4, 2025**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE